

CRIMINAL LAW JOURNAL

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EDITORIAL

A PARLIAMENTARY ATTACK ON THE MILITARY JUSTICE SYSTEM325

ARTICLES

THE INTERNET AND THE RIGHT TO A FAIR TRIAL

Hon Chief Justice J J Spigelman AC

The internet challenges our ability to ensure that a fair trial has occurred by rendering less efficacious some of the mechanisms hitherto adopted to insulate the tribunal of fact from information about the accused and witnesses or about the events. The internet opens up a new range of opportunities for jurors to conduct their own research, in both issues of fact and law. This article explores the challenges which the ready accessibility of information on the internet poses to the ability to protect the right to a fair trial and suggests some pragmatic reforms to the procedures traditionally used to ensure a fair trial.331

TRANSNATIONAL ORGANISED CRIME AND INTERNATIONAL LAW: THE PALERMO CONVENTION

Andreas Schloenhardt

The last decade has witnessed a significant growth in transnational organised crime activities. It has also seen multiple efforts by the international community to come to terms with this rise of organised crime and to work towards an international instrument to combat the activities of criminal organisations. In December 2000, the United Nations opened for signature the Convention against Transnational Organized Crime (2001), also known as the Palermo Convention, a treaty that is supplemented by three protocols on trafficking in persons, smuggling of migrants, and trafficking in firearms and ammunition. The conclusion of the Convention marks the end of more than eight years of consultations on a universal instrument to criminalise and counteract transnational criminal organisations. This article illustrates the developments that led to the Convention against Transnational Organized Crime and reflects on the amendments and concessions that have been made to earlier proposals during the elaboration process. This article highlights the strengths of the Convention in the areas of judicial cooperation and mutual legal assistance, and the shortcomings of the new Convention, in particular in failing to establish a universal, unequivocal definition of “transnational organized crime”.340

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7. Sheehy et al, n 6 at 221.

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